

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY KARTTUNEN,

Plaintiff,

Case No. 06-13388

v.

DAVID CLARK

Hon. John Corbett O'Meara

Defendant.

**ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION**

Before the court is Plaintiff Jeffrey Karttunen's motion for reconsideration, filed June 26, 2008. The standard for granting motions for reconsideration is as follows:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

LR 7.1(g)(3).

Having reviewed Plaintiff's motion, the court concludes that Defendant has presented the same issues that were ruled upon by the court, either expressly or by reasonable implication.

Further, the court finds that the newly presented case law stemming from Dyer v. Lee, 488 F.3d 876 (11th Cir. 2007) does not compel a different disposition of the case. Plaintiff has failed to demonstrate a palpable defect by which the court and the parties have been misled.

Accordingly, IT IS HEREBY ORDERED that Defendant's June 26, 2008 motion for

reconsideration is DENIED.

s/John Corbett O'Meara
United States District Judge

Date: July 1, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, July 1, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager